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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**UNITED STATES OF AMERICA,
ex rel. NICHOLAS ENGSTROM,**

Plaintiffs,

v.

**ASANTE, ASANTE PHYSICIAN
PARTNERS, AND DR. CHARLES
CARMECI,**

Defendants.

Case No. 1:21-cv-00636-MC

**JOINT STIPULATION OF
DISMISSAL**

WHEREAS on or about April 26, 2021, Relator Nicholas Engstrom, by and through his counsel of record, filed a *qui tam* action in the United States District Court for the District of Oregon, captioned *United States of America, ex rel. Nicholas Engstrom v. Asante, Asante Physician Partners, and Dr. Charles Carmeci*, Case No. 1:21-cv-00636-MC, pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b); and

WHEREAS the United States has filed a Notice of Intervention in this action for the purpose of settlement;

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms of the Settlement Agreement, the United States and the Relator hereby stipulate and agree as follows:

1. The United States, Relator, and Defendants Asante, Asante Physician Partners, and Dr. Charles Carmeci (collectively, the “Settling Parties”) have executed a written Settlement Agreement that provides for the dismissal of this action.

2. Relator stipulates that the settlement of this action is fair, adequate, and reasonable under all the circumstances as defined by 31 U.S.C. § 3730(c)(2)(B).

3. Accordingly, the United States and Relator request that, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the False Claims Act, 31 U.S.C. § 3730(b)(1), this action be dismissed consistent with the terms and conditions of the Settlement Agreement, (i) with prejudice to Relator as to all claims and all parties, and (ii) with prejudice to the United States as to the “Covered Conduct,” as defined by the Settlement Agreement, and without prejudice as to all other claims.

4. Except as otherwise provided in the Settlement Agreement, all parties shall bear their own costs.

Joint Stipulation of Dismissal

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5. The United States requests that Relator's Complaint, the United States' Notice of Election to Intervene, this Stipulation of Dismissal, the Court's Order dismissing this action, and all subsequent filings in this action be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

6. The parties respectfully request that the Court enter an order in the form of the attached proposed Order.

DATED: October 17, 2023

Respectfully submitted,

NATALIE K. WIGHT
United States Attorney

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